

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on .

The conference will be held by telephone or at the OSHA office located at 7935 East Prentice

Avenue, Suite 209, Greenwood Village, CO 80111 on \_\_\_\_\_ at

\_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1599911**

Company Name: Savage Services Corporation  
Inspection Site: 2005 Lime Rd, Pueblo, CO 81006  
Issuance Date:

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 7935 East Prentice Avenue, Suite 209, Greenwood Village, CO 80111.**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review



**Citation and Notification of Penalty**

**Company Name:** Savage Services Corporation  
**Inspection Site:** 2005 Lime Rd, Pueblo, CO 81006

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Citation 1 Item 1    Type of Violation: **Serious**

29 CFR 1910.269(a)(2)(iv): The employer did not determine that each employee was complying with all required safety-related work practices required by this section by regular supervision and annual inspections:

a) Missile #3, Fuel Yard, Comanche Generating Station, 2005 Lime Road, Pueblo, CO 81006: On or about June 2, 2022, and at times prior, employees were exposed to engulfment hazards from walking on top of coal piles with an active conveyor system below the coal that was pulling coal into feeder "D". The employer did not ensure through supervision and inspections that safety related work practices were followed by employees.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

Proposed Penalty:

\$14,502.00



**Citation and Notification of Penalty**

**Company Name:** Savage Services Corporation  
**Inspection Site:** 2005 Lime Rd, Pueblo, CO 81006

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Citation 2 Item 1 Type of Violation: **Willful - Serious**

29 CFR 1910.269(a)(2)(i)(A): Each employee was not trained in, and familiar with, the safety-related work practices, safety procedures, and other safety requirements in this section that pertain to his or her job assignments.

a) Missile #3, Fuel Yard, Comanche Generating Station, 2005 Lime Road, Pueblo, CO 81006: On or about June 2, 2022, employees were exposed to engulfment hazards while walking and working on a coal pile above an active conveyor system below, which was pulling coal into feeder "D". Two employees were engulfed as a result of working on top of shifting piles of stored coal. Employees were not provided with training on safety-related work practices, safety procedures and other safety requirements for accessing and working on or near coal piles or the hazards associated with shifting coal or bridging conditions.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

Proposed Penalty:

\$145,027.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## **Citation and Notification of Penalty**

**Company Name:** Savage Services Corporation  
**Inspection Site:** 2005 Lime Rd, Pueblo, CO 81006

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### Citation 2 Item 2    Type of Violation: **Willful - Serious**

29 CFR 1910.269(v)(11)(xiii): Employees were not protected from all hazards posed by shifting coal when working on or beneath overhanging coal in coal bunkers, coal silos, or coal storage areas:

a) Missile #3, Fuel Yard, Comanche Generating Station, 2005 Lime Road, Pueblo, CO 81006: On or about June 2, 2022, employees were exposed to engulfment hazards from walking and working on top of a coal pile with an active conveyor system below that was pulling coal into feeder "D". Two employees were engulfed as a result of working on top of shifting piles of stored coal that collapsed.

or in the alternative:

Section (5)(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to engulfment hazards:

a) Missile #3, Fuel Yard, Comanche Generating Station, 2005 Lime Road, Pueblo, CO 81006: On or about June 2, 2022, employees were exposed to engulfment hazards from walking and working on top of a coal pile with an active conveyor system below that was pulling coal into feeder "D". Two employees were engulfed as a result of working on top of shifting piles of stored coal that collapsed.

Among other methods, feasible and acceptable abatement methods to correct the hazard include but are not limited to:

- Develop a work rule and prevent foot access to coal storage piles and provide training to employees on this rule.
- Follow the MSHA Safety Alert - "Best Practices for Working On or Near Surge Piles" which explains, among other things, to:
  - Mark feeder locations and provide visual indicators to identify active feeders.
  - Provide gates on feeders or ensure that coal cannot discharge when a feeder is not operable.
  - Be aware of surge pile conditions such as excessive material settling in piles that have been idled, excessive compaction of material layers overlying the feeders, and freezing weather conditions that create hidden cavities

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Savage Services Corporation  
**Inspection Site:** 2005 Lime Rd, Pueblo, CO 81006

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when the material is "bridged" over a feeder.

-Prevent foot traffic on surge piles and provide adequate warning signs.

-Provide adequate training for all surge pile workers to include specialized training on alarm response, equipment needs and rescue and recovery plans involving engulfed equipment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

Proposed Penalty:

\$145,027.00

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**Chad Vivian**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
7935 East Prentice Avenue  
Suite 209  
Greenwood Village, CO 80111



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**INVOICE /  
DEBT COLLECTION NOTICE**

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**Company Name: Savage Services Corporation**  
**Inspection Site: 2005 Lime Rd, Pueblo, CO 81006**  
**Issuance Date:**

Summary of Penalties for Inspection Number: 1599911

Citation 1 Item 1, Serious	\$14,502.00
Citation 2 Item 1, Willful - Serious	\$145,027.00
Citation 2 Item 2, Willful - Serious	\$145,027.00

**TOTAL PROPOSED PENALTIES:** **\$304,556.00**

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor



(29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

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**Chad Vivian**

Area Director

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Date